

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on December 27, 2005, the Examiner rejected Claims 1, 8, 15, 22 and all that depend therefrom under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner rejected claims 1-4, 6-11, 13, 14 and 22-28 under 35 U.S.C. §102(b) as being anticipated by Angelfire. The Examiner rejected claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over Angelfire in view of Sutcliffe in further view of “insideboxing,” and over Angelfire in view of Sutcliffe. The Examiner also rejected claims 15, 16, 19, 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over Sutcliffe in view of Angelfire. Accordingly, Applicant respectfully provides the following.

1. Claim Rejections under 35 U.S.C. 112, second paragraph.

The Examiner rejected Claims 1, 8, 15, 22 and all that depend therefrom under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, Applicant amended claims 1, 8, 15 and 22, as requested by the Examiner, in order to clarify the meaning of the word “information.” The claimed language now includes receiving prior fight information from at least one user relevant to said user’s participation in a particular sporting event.

In addition, Applicant clarified the use of “location” in independent claims 1, 8, 15 and 22. Applicant also cancelled claims 5 and 12. Finally, Applicant added steps to independent

claims 1, 8, 15 and 22, as suggested by the Examiner, which further describe how the present invention coordinates an event.

Applicant respectfully submits that the amended claims do not constitute new matter and accordingly requests withdrawal of the Examiner's rejections of claims 1, 8, 15, 22 and all that depend therefrom, under Section 112.

2. Claim Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-4, 6-11, 13, 14 and 22-28 under 35 U.S.C. §102(b) as being anticipated by Angelfire. In response, Applicant provides the following remarks. The standard for a Section 102 rejection is set forth in M.P.E.P 706.02, which provides:

[F]or anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.

Applicant respectfully submits that the cited reference does not teach every aspect of the claimed invention. More specifically, Angelfire does not teach the electronically searchable format limitation of independent claims 1, 8 and 22. As can be seen by page D of Angelfire, Angelfire merely provides a list of boxers with links to their home pages. Using Angelfire, a user can manually search the list of boxers by clicking through to each boxer's webpage, but a user cannot electronically search the list of boxers. In contrast, Applicant's disclosure describes that the present invention organizes the information received from the multiple users into an electronically searchable format. See Specification, Page 4, Lines 7-8. Applicant also discloses that Sparring partners will be able to find employment opportunities with the boxers and the

boxers or managers will easily be able to find sparring partners through utilization of the electronically searchable organization capabilities of the present invention. See Specification, Page 10, Lines 6-9. Because providing a list of boxers on a web page with links does not meet the electronically searchable limitation of independent claims 1, 8 and 22, Applicant respectfully requests the withdrawal of the Section 102 rejection for this reason alone.

In addition, Angelfire does not teach the limitation of claims 2 and 9 of proposing a contest in the particular sporting event between at least a first user and a second user. Rather, Angelfire teaches a general solicitation to anyone wanting to fight the individuals listed on page A of Angelfire. This general solicitation is not the specific proposal taught by claims 2 and 9. For this additional reason, Applicant requests the withdrawal of the rejection to claims 2 and 9 under Section 102.

Finally, Angelfire does not teach the limitation of claims 7 and 14 of providing each of said at least one users with an information storage location accessible by said user and a portion of which is also accessible by selected of said third parties. Rather, Angelfire requires that the user leave its website to access a boxer's personal website. Thus, Angelfire does not provide a user with an information storage location; it only allows a user to put links on its website that lead to the user's own information storage location. For this addition reason, Applicant requests the withdrawal of the rejection to claims 7 and 14 under Section 102.

3. Claim Rejections under 35 U.S.C. §103(a).

The Examiner rejected claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over Angelfire in view of Sutcliffe in further view of “insideboxing,” and over Angelfire in view of Sutcliffe. The Examiner also rejected claims 15, 16, 19, 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over Sutcliffe in view of Angelfire. In response, Applicant provides the following:

To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation . . . to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2142.

In addition, "in order to rely on a reference as a basis for [an obviousness] rejection of an Applicant's invention, the reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992); *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993); and *State Contracting & Eng'g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, the reference may be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved); MPEP 2141.01(a).

In this case, Sutcliffe is neither in the field of Applicant's endeavor, nor reasonably pertinent to the particular problem with which the Applicant was concerned. Applicant's field of endeavor is coordinating sporting events. In contrast, Sutcliffe's field of endeavor is in matching registered profiles. Coordinating sporting events is much different than matching registered profiles. For instance, Applicant discloses:

Before a boxing event can take place, the organizers must consider who the participants will be, what weight classes will be considered, and various skill levels and experience of available fighters. Moreover, trying to coordinate the numerous parties involved in putting on the boxing match (e.g., fighters, trainers, managers, promoters, sponsors, arenas, booking agents, matchmakers, and broadcasters) takes significant effort and time.

See Specification, Page 2, Lines 18-23. Thus, the present invention contemplates coordinating numerous parties and numerous factors. On the other hand, Sutcliffe focuses on two parties with similar interests. There is no "event" associated with Sutcliffe that involves numerous parties. Sutcliffe's focus is on the matching of a pair of similar people, not on coordinating a complicated event. Thus it is clear that Sutcliffe is not in the field of Applicant's endeavor.

In addition, Sutcliffe is not reasonably pertinent to the particular problem with which Applicant was concerned. Applicant discloses that:

The present invention helps to eliminate the monopolistic conditions within the industry. Utilizing the Internet, small promoters, new television companies, and smaller venues can compete more fairly with the megapromotion companies for fighters' contracts, TV dates, and fight promotion venues. The invention gives all of the participants greater access to members of the boxing community throughout the world.

See Specification, Page 8, Lines 4-8. It is well known that megapromotion companies such as Don King Productions, Inc. dominate the boxing industry. A main thrust of the present invention

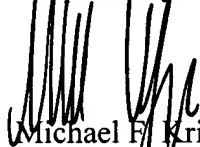
is to decrease a boxer's reliance on these megapromotors who control and limit opportunities. Sutcliffe has nothing to do with this problem. Sutcliffe overcomes the problems of reading countless personal advertisements of which most will not be of any interest and of more effectively evaluating candidates based on the individual preferences most important to the user. See Sutcliffe, Column 2, Lines 2-27. These problems have nothing to do with overcoming the control and limited opportunities provided to someone based on monopolistic conditions. Thus, is clear that Sutcliffe is not reasonably pertinent to the particular problem with which the Applicant was concerned. Therefore, because Sutcliffe is non-analogous art, Applicant requests that the Examiner withdraw the rejection to Sutcliffe and the cited art in combination under Section 103.

CONCLUSION

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

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Respectfully submitted,



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